

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 18, 2012

AMENDED IN SENATE JANUARY 26, 2012

AMENDED IN SENATE MAY 24, 2011

AMENDED IN SENATE MAY 9, 2011

AMENDED IN SENATE MARCH 30, 2011

SENATE BILL

No. 924

Introduced by Senators Price, Walters, and Steinberg

(Coauthors: Assembly Members Chesbro, Fong, Knight, Morrell, and Wieckowski)

February 18, 2011

An act to amend Sections 2406 and 2690 of, and to add Sections 2406.5, 2620.1, and 2694.5 to, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 924, as amended, Price. Physical therapists: direct access to services: professional corporations.

(1) Existing law, the Physical Therapy Practice Act, creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. The act defines the term "physical therapy" for its purposes and makes it a crime to violate any of its provisions.

This bill would specify that patients may access physical therapy treatment directly, and would, in those circumstances, require a physical

therapist to refer his or her patient to another specified healing arts practitioner if the physical therapist has reason to believe the patient has a condition requiring treatment or services beyond that scope of practice, and, with the patient's written authorization, to notify the patient's primary physician and surgeon, if any, that the physical therapist is treating the patient. The bill would prohibit a physical therapist from treating a patient beyond 30 business days or 12 visits, whichever occurs first, unless the physical therapist receives a specified authorization ~~patient obtains a diagnosis~~ from a person with a physician and surgeon's certificate or from a person with a podiatric medicine certificate and acting within his or her scope of practice. The bill would require a physical therapist, prior to the initiation of treatment services, to provide a patient with a specified notice concerning the limitations on the direct treatment services.

(2) Existing law regulating professional corporations provides that certain healing arts practitioners may be shareholders, officers, directors, or professional employees of a medical corporation or a podiatric medical corporation, subject to certain limitations.

This bill would add licensed physical therapists and licensed occupational therapists to the list of healing arts practitioners who may be shareholders, officers, directors, or professional employees of those corporations. The bill would also provide that specified healing arts licensees may be shareholders, officers, directors, or professional employees of a physical therapy corporation. The bill would require, except as specified, that a medical corporation, podiatry corporation, and physical therapy corporation provide patients with a specified disclosure notifying them that they may seek physical therapy treatment services from any physical therapy provider. The bill would also make conforming changes to related provisions.

Because the bill would specify additional requirements under the Physical Therapy Practice Act, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that an
2 individual's access to early intervention to physical therapy
3 treatment may decrease the duration of a disability, reduce pain,
4 and lead to a quicker recovery.

5 SEC. 2. Section 2406 of the Business and Professions Code is
6 amended to read:

7 2406. A medical corporation or podiatry corporation is a
8 corporation that is authorized to render professional services, as
9 defined in Sections 13401 and 13401.5 of the Corporations Code,
10 so long as that corporation and its shareholders, officers, directors,
11 and employees rendering professional services who are physicians
12 and surgeons, psychologists, registered nurses, optometrists,
13 podiatrists, chiropractors, acupuncturists, naturopathic doctors,
14 physical therapists, occupational therapists, or, in the case of a
15 medical corporation only, physician assistants, marriage and family
16 therapists, or clinical social workers, are in compliance with the
17 Moscone-Knox Professional Corporation Act, the provisions of
18 this article, and all other statutes and regulations now or hereafter
19 enacted or adopted pertaining to the corporation and the conduct
20 of its affairs.

21 With respect to a medical corporation or podiatry corporation,
22 the governmental agency referred to in the Moscone-Knox
23 Professional Corporation Act is the board.

24 SEC. 3. Section 2406.5 is added to the Business and Professions
25 Code, to read:

26 2406.5. (a) A medical corporation or podiatry corporation that
27 is authorized to render professional services, as defined in Sections
28 13401 and 13401.5 of the Corporations Code, shall disclose to its
29 patients, orally and in writing, when initiating any physical therapy
30 treatment services, that the patient may seek physical therapy
31 treatment services from a physical therapy provider of his or her
32 choice who may not necessarily be employed by the medical or
33 podiatry corporation.

34 (b) This disclosure requirement shall not apply to any medical
35 corporation that contracts with a health care service plan with a
36 license issued pursuant to the Knox-Keene Health Care Service
37 Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340)
38 of Division 2 of the Health and Safety Code) if the licensed health

1 care service plan is also exempt from federal taxation pursuant to
2 Section 501(c)(3) of the Internal Revenue Code.

3 SEC. 4. Section 2620.1 is added to the Business and Professions
4 Code, to read:

5 2620.1. (a) In addition to receiving wellness and evaluation
6 services from a physical therapist, a person may initiate physical
7 therapy treatment directly from a licensed physical therapist
8 provided that the treatment is within the scope of practice of
9 physical therapists, as defined in Section 2620, and that all the
10 following conditions are met:

11 (1) If, at any time, the physical therapist has reason to believe
12 that the patient has signs or symptoms of a condition that requires
13 treatment beyond the scope of practice of a physical therapist, the
14 physical therapist shall refer the patient to a person holding a
15 physician and surgeon's certificate issued by the Medical Board
16 of California or by the Osteopathic Medical Board of California
17 or to a person licensed to practice dentistry, podiatric medicine,
18 or chiropractic.

19 (2) The physical therapist shall comply with Article 6
20 (commencing with Section 650) of Chapter 1 of Division 2.

21 (3) With the patient's written authorization, the physical
22 therapist shall notify the patient's primary physician and surgeon,
23 if any, that the physical therapist is treating the patient.

24 (4) With respect to a patient initiating physical therapy treatment
25 services directly from a physical therapist, the physical therapist
26 shall not continue treating that patient beyond 30 business days or
27 12 visits, whichever occurs first, without ~~receiving~~, *the patient*
28 *obtaining a diagnosis* from a person holding a physician and
29 surgeon's certificate from the Medical Board of California or the
30 Osteopathic Medical Board of California, or from a person holding
31 a certificate to practice podiatric medicine from the California
32 Board of Podiatric Medicine and acting within his or her scope of
33 practice, ~~a dated signature on the physical therapist's plan of care~~
34 ~~indicating approval of the physical therapist's plan of care.~~
35 ~~Approval of the physical therapist's plan of care shall include an~~
36 ~~appropriate patient examination by the person holding a physician~~
37 ~~and surgeon's certificate from the Medical Board of California or~~
38 ~~the Osteopathic Medical Board of California, or by the person~~
39 ~~holding a certificate to practice podiatric medicine from the~~
40 ~~California Board of Podiatric Medicine and acting within his or~~

her scope of practice. For purposes of this paragraph, “business day” means any calendar day except Saturday, Sunday, or the following business holidays: New Year’s Day, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

(b) The conditions in paragraphs ~~(1), (2)~~, (3), and (4) of subdivision (a) do not apply to a physical therapist when providing evaluation or wellness physical therapy services to a patient as described in subdivision (a) of Section 2620 or treatment provided upon referral or diagnosis by a physician and surgeon, podiatrist, dentist, chiropractor, or other appropriate health care provider acting within his or her scope of practice. Nothing in this subdivision shall be construed to alter the disclosure requirements of Section 2406.5.

(c) Nothing in this section shall be construed to expand or modify the scope of practice for physical therapists set forth in Section 2620, including the prohibition on a physical therapist diagnosing a disease.

(d) Nothing in this section shall be construed to require a health care service plan, insurer, workers’ compensation insurance plan, or any other person or entity, including, but not limited to, a state program or state employer, to provide coverage for direct access to treatment by a physical therapist.

(e) When a person initiates physical therapy treatment services directly pursuant to this section, the physical therapist shall not perform physical therapy treatment services without first providing the following written notice, orally and in writing, on one page, in at least 14-point type, and obtaining a patient signature on the notice:

Direct Physical Therapy Treatment Services

You are receiving direct physical therapy treatment services from *an individual who is not a physician, but who is* a physical therapist licensed by the Physical Therapy Board of California.

~~Under California law, you may continue to receive direct physical therapy treatment services for a period of 30 business days or 12 visits, whichever occurs first, after which time a physical therapist may continue providing you with physical therapy treatment services only after receiving, from a person holding a~~

If you have received direct physical therapy treatment services from a physical therapist for the initial period of 30 business days or 12 visits, whichever occurs first, it may constitute unprofessional conduct for that physical therapist to continue treating you beyond this initial period without a diagnosis from a physician or podiatrist.

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1 SEC. 5. Section 2690 of the Business and Professions Code is
2 amended to read:

3 2690. A physical therapy corporation is a corporation that is
4 authorized to render professional services, as defined in Sections
5 13401 and 13401.5 of the Corporations Code, so long as that
6 corporation and its shareholders, officers, directors, and employees
7 rendering professional services who are physical therapists,
8 physicians and surgeons, podiatrists, acupuncturists, naturopathic
9 doctors, occupational therapists, speech-language pathologists,
10 audiologists, registered nurses, psychologists, and physician
11 assistants are in compliance with the Moscone-Knox Professional
12 Corporation Act, this article, and all other statutes and regulations
13 now or hereafter enacted or adopted pertaining to the corporation
14 and the conduct of its affairs.

15 With respect to a physical therapy corporation, the governmental
16 agency referred to in the Moscone-Knox Professional Corporation
17 Act is the board.

18 SEC. 6. Section 2694.5 is added to the Business and Professions
19 Code, to read:

20 2694.5. A physical therapy corporation that is authorized to
21 render professional services, as defined in Sections 13401 and
22 13401.5 of the Corporations Code, shall disclose to its patients,
23 orally and in writing, when initiating any physical therapy treatment
24 services, that the patient may seek physical therapy treatment
25 services from a physical therapy provider of his or her choice who
26 may not necessarily be employed by the physical therapy
27 corporation.

28 SEC. 7. Section 13401.5 of the Corporations Code is amended
29 to read:

30 13401.5. Notwithstanding subdivision (d) of Section 13401
31 and any other provision of law, the following licensed persons
32 may be shareholders, officers, directors, or professional employees
33 of the professional corporations designated in this section so long
34 as the sum of all shares owned by those licensed persons does not
35 exceed 49 percent of the total number of shares of the professional
36 corporation so designated herein, and so long as the number of
37 those licensed persons owning shares in the professional
38 corporation so designated herein does not exceed the number of
39 persons licensed by the governmental agency regulating the
40 designated professional corporation:

- 1 (a) Medical corporation.
- 2 (1) Licensed doctors of podiatric medicine.
- 3 (2) Licensed psychologists.
- 4 (3) Registered nurses.
- 5 (4) Licensed optometrists.
- 6 (5) Licensed marriage and family therapists.
- 7 (6) Licensed clinical social workers.
- 8 (7) Licensed physician assistants.
- 9 (8) Licensed chiropractors.
- 10 (9) Licensed acupuncturists.
- 11 (10) Naturopathic doctors.
- 12 (11) Licensed professional clinical counselors.
- 13 (12) Licensed physical therapists.
- 14 (13) Licensed occupational therapists.
- 15 (b) Podiatric medical corporation.
- 16 (1) Licensed physicians and surgeons.
- 17 (2) Licensed psychologists.
- 18 (3) Registered nurses.
- 19 (4) Licensed optometrists.
- 20 (5) Licensed chiropractors.
- 21 (6) Licensed acupuncturists.
- 22 (7) Naturopathic doctors.
- 23 (8) Licensed physical therapists.
- 24 (9) Licensed occupational therapists.
- 25 (c) Psychological corporation.
- 26 (1) Licensed physicians and surgeons.
- 27 (2) Licensed doctors of podiatric medicine.
- 28 (3) Registered nurses.
- 29 (4) Licensed optometrists.
- 30 (5) Licensed marriage and family therapists.
- 31 (6) Licensed clinical social workers.
- 32 (7) Licensed chiropractors.
- 33 (8) Licensed acupuncturists.
- 34 (9) Naturopathic doctors.
- 35 (10) Licensed professional clinical counselors.
- 36 (d) Speech-language pathology corporation.
- 37 (1) Licensed audiologists.
- 38 (e) Audiology corporation.
- 39 (1) Licensed speech-language pathologists.
- 40 (f) Nursing corporation.

- 1 (1) Licensed physicians and surgeons.
- 2 (2) Licensed doctors of podiatric medicine.
- 3 (3) Licensed psychologists.
- 4 (4) Licensed optometrists.
- 5 (5) Licensed marriage and family therapists.
- 6 (6) Licensed clinical social workers.
- 7 (7) Licensed physician assistants.
- 8 (8) Licensed chiropractors.
- 9 (9) Licensed acupuncturists.
- 10 (10) Naturopathic doctors.
- 11 (11) Licensed professional clinical counselors.
- 12 (g) Marriage and family therapist corporation.
- 13 (1) Licensed physicians and surgeons.
- 14 (2) Licensed psychologists.
- 15 (3) Licensed clinical social workers.
- 16 (4) Registered nurses.
- 17 (5) Licensed chiropractors.
- 18 (6) Licensed acupuncturists.
- 19 (7) Naturopathic doctors.
- 20 (8) Licensed professional clinical counselors.
- 21 (h) Licensed clinical social worker corporation.
- 22 (1) Licensed physicians and surgeons.
- 23 (2) Licensed psychologists.
- 24 (3) Licensed marriage and family therapists.
- 25 (4) Registered nurses.
- 26 (5) Licensed chiropractors.
- 27 (6) Licensed acupuncturists.
- 28 (7) Naturopathic doctors.
- 29 (8) Licensed professional clinical counselors.
- 30 (i) Physician assistants corporation.
- 31 (1) Licensed physicians and surgeons.
- 32 (2) Registered nurses.
- 33 (3) Licensed acupuncturists.
- 34 (4) Naturopathic doctors.
- 35 (j) Optometric corporation.
- 36 (1) Licensed physicians and surgeons.
- 37 (2) Licensed doctors of podiatric medicine.
- 38 (3) Licensed psychologists.
- 39 (4) Registered nurses.
- 40 (5) Licensed chiropractors.

- 1 (6) Licensed acupuncturists.
- 2 (7) Naturopathic doctors.
- 3 (k) Chiropractic corporation.
- 4 (1) Licensed physicians and surgeons.
- 5 (2) Licensed doctors of podiatric medicine.
- 6 (3) Licensed psychologists.
- 7 (4) Registered nurses.
- 8 (5) Licensed optometrists.
- 9 (6) Licensed marriage and family therapists.
- 10 (7) Licensed clinical social workers.
- 11 (8) Licensed acupuncturists.
- 12 (9) Naturopathic doctors.
- 13 (10) Licensed professional clinical counselors.
- 14 (l) Acupuncture corporation.
- 15 (1) Licensed physicians and surgeons.
- 16 (2) Licensed doctors of podiatric medicine.
- 17 (3) Licensed psychologists.
- 18 (4) Registered nurses.
- 19 (5) Licensed optometrists.
- 20 (6) Licensed marriage and family therapists.
- 21 (7) Licensed clinical social workers.
- 22 (8) Licensed physician assistants.
- 23 (9) Licensed chiropractors.
- 24 (10) Naturopathic doctors.
- 25 (11) Licensed professional clinical counselors.
- 26 (m) Naturopathic doctor corporation.
- 27 (1) Licensed physicians and surgeons.
- 28 (2) Licensed psychologists.
- 29 (3) Registered nurses.
- 30 (4) Licensed physician assistants.
- 31 (5) Licensed chiropractors.
- 32 (6) Licensed acupuncturists.
- 33 (7) Licensed physical therapists.
- 34 (8) Licensed doctors of podiatric medicine.
- 35 (9) Licensed marriage and family therapists.
- 36 (10) Licensed clinical social workers.
- 37 (11) Licensed optometrists.
- 38 (12) Licensed professional clinical counselors.
- 39 (n) Dental corporation.
- 40 (1) Licensed physicians and surgeons.

- 1 (2) Dental assistants.
- 2 (3) Registered dental assistants.
- 3 (4) Registered dental assistants in extended functions.
- 4 (5) Registered dental hygienists.
- 5 (6) Registered dental hygienists in extended functions.
- 6 (7) Registered dental hygienists in alternative practice.
- 7 (o) Professional clinical counselor corporation.
- 8 (1) Licensed physicians and surgeons.
- 9 (2) Licensed psychologists.
- 10 (3) Licensed clinical social workers.
- 11 (4) Licensed marriage and family therapists.
- 12 (5) Registered nurses.
- 13 (6) Licensed chiropractors.
- 14 (7) Licensed acupuncturists.
- 15 (8) Naturopathic doctors.
- 16 (p) Physical therapy corporation.
- 17 (1) Licensed physicians and surgeons.
- 18 (2) Licensed doctors of podiatric medicine.
- 19 (3) Licensed acupuncturists.
- 20 (4) Naturopathic doctors.
- 21 (5) Licensed occupational therapists.
- 22 (6) Licensed speech-language pathologists.
- 23 (7) Licensed audiologists.
- 24 (8) Registered nurses.
- 25 (9) Licensed psychologists.
- 26 (10) Licensed physician assistants.
- 27 SEC. 8. No reimbursement is required by this act pursuant to
- 28 Section 6 of Article XIII B of the California Constitution because
- 29 the only costs that may be incurred by a local agency or school
- 30 district will be incurred because this act creates a new crime or
- 31 infraction, eliminates a crime or infraction, or changes the penalty
- 32 for a crime or infraction, within the meaning of Section 17556 of
- 33 the Government Code, or changes the definition of a crime within
- 34 the meaning of Section 6 of Article XIII B of the California
- 35 Constitution.